



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8534 of 2022

J.Padmavathy

.. Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Thoothukudi District.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue the house site patta in favour of petitioner in respect of property in Survey Number 219/1B, Mullakadu Village Part-1, Muthiahpuram, Thoothukudi District.

For Petitioner : Mr.S.Moorthy

For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction for issuance of patta in the name of the petitioner for the house site property bearing Survey Number 219/1B, Mullakadu Village Part-1, Muthiahpuram, Thoothukudi District, within a time frame to be fixed by this Court.

2.According to the petitioner, as per G.O.Ms.No.267, dated 17.09.2021, issued by the Revenue and Disaster Management Department, the petitioner is entitled for patta in her name. According to the petitioner, she is in possession of the property for 27 years. It is also stated that by a Civil Court judgment and decree, dated 27.08.2021, passed in O.S.No.56 of 2018, by the learned Additional District Munsif, Thoothukudi, the possession over the property is confirmed. In such circumstances, the petitioner has submitted an application with the respondents, seeking for issuance of patta in her name. The petitioner has also submitted further representations on 25.10.2021 and 16.11.2021 for the very same purpose. Since the representations have not been considered till date, she has filed this writ petition.



3.Heard Mr.S.Moorthy, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.The learned Special Government Pleader appearing for the respondents would submit that the aforesaid G.O.Ms.No.267, relied upon by the petitioner will not apply to him. The said statement is recorded. The petitioner has filed documents along with the writ petition to substantiate her claim that she is entitled for patta. It is for the respondents to consider the same on merits and in accordance with law.

5.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for issuance of patta is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the respondents deem fit to enquire, within a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations, dated 25.10.2021 and 16.11.2021, seeking for issuance of patta in her favour for the property comprised in Survey Number 219/1B, Mullakadu Village Part-1, Muthiahpuram, Thoothukudi District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Collectorate Building,
Thoothukudi District.



2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-23223[F] dated 02/05/2022)

WEB COPY

W.P. (MD)No.8534 of 2022

28.04.2022

RK(17/05/2022) 3P 4C